



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
BILLINGS REGULATORY OFFICE  
POST OFFICE BOX 2256  
BILLINGS, MONTANA 59103-2256

March 12, 2015

Regulatory Branch  
Montana State Program  
Corps No. **NWO-2012-00301-MTB**

Subject: Big Spring Creek Restoration Project

Mr. Clint Smith  
Montana Fish, Wildlife, & Parks  
Post Office Box 938  
Lewistown, Montana 59457

Dear Mr. Smith:

We have reviewed the Montana joint application you submitted for Department of the Army (DA) authorization to restore a straightened section of Big Spring Creek located in Section 10, Township 15 North, Range 18 East, in Fergus County, Montana.

Specifically, you requested authorization for the following work:

Work Item	Description
a.	The project will create a new channel with connected floodplain and a natural riffle/pool meander pattern as designed by NRCS engineers. The channel length will increase by approximately 60% to 3,200 feet from the current 2,000 feet. The section was straightened in 1961, causing chronic erosion and stability issues on the creek which continue today.
b.	The new channel will match the pattern and profile of nearby reference reaches on Big Spring Creek. Due to the proximity of existing structures, banks will be stabilized with 3 different techniques, all of which incorporate bioengineering.
c.	Portions of the old channel will be abandoned, plugged, and partially filled.

Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

The Corps of Engineers (Corps) prepared the enclosed preliminary jurisdictional determination (JD) for the site. A preliminary JD is a written indication that waterways and wetlands within your project area may be waters of the U.S. These waters were treated as jurisdictional waters of the U.S. for the purposes of determining project impacts and compensatory mitigation requirements. Preliminary JDs may not be appealed.

If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD **prior to your commencement of any work in a water of the U.S.** An approved JD is an appealable official determination regarding the presence or absence of waters of the U.S. Completion of an approved JD may require coordination with the U.S. Environmental Protection Agency.

If you believe the preliminary JD is accurate and do not want the Corps to complete an approved JD, please sign the preliminary JD and return it to the letterhead address within two weeks. If you agree with the preliminary JD, you may proceed with the proposed project in accordance with the terms and conditions of DA Nationwide Permit (NWP) **27** found in the February 21, 2012 Federal Register (76 FR 9174), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this NWP and lists the General and Regional Conditions that must be complied with. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

In addition to conditions referenced above, the following **Special Conditions** apply:

Condition	Description
1.	The project must be built as shown on the construction plans and cross sections received by this office on January 22, 2015, and as described in the Application and all supporting documents also submitted to this office on that date. Pre-construction notification is required if there are proposed changes that affect waters of the US, including wetlands.
2.	Upon completion of the project, you must submit photos, fisheries data, and measurements to estimate the annual rate of sedimentation loss as described in the Sampling and Analysis Plan received by this office on January 22, 2015. Subsequent reports shall be submitted on or before November 1 for a period of 5 years, or until the Corps determines the site to be successful.
3.	Prevent materials spilled or stored on site from washing into the waterway as a result of cleanup activities, natural runoff, or flooding. Retrieve any materials which are accidentally spilled into these areas.
4.	Completely remove all waste material generated by the project to an upland disposal site. Do not dispose of waste material within 50 feet of any existing or proposed wetland area, pond or lake, drainage channel, irrigation ditch, or stream.
5.	Do not disturb wetland, riparian, or stream bank vegetation to accommodate temporary staging areas, temporary storage areas, or temporary parking areas.

Although an Individual DA permit involving a public interest review will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal, and local permits as required.

The Montana Department of Environmental Quality waived CWA Section 401 water quality certification for this project (see General Condition 25 on the enclosed fact sheet). This does not eliminate the need to obtain other permits that may be required by that agency.

This verification will be valid until **March 18, 2017**. In accordance with the terms and conditions of the NWPs, you are responsible for all work accomplished. If a contractor or other authorized representative will be accomplishing the work authorized by an NWP on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable NWP. Any activity that fails to comply with all of the terms and conditions of the NWP will be considered unauthorized and subject to appropriate enforcement action.

Should you at any time become aware that either an endangered or a threatened species, or their critical habitat, exists within the project area, you must immediately notify this office.

In compliance with General Condition 30, the enclosed Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and any required mitigation.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please contact Cathy Juhas at (406) 657-5910 if you have any questions and reference Corps File Number **NWO-2012-00301-MTB**.

Sincerely  
SCHROEDER.CHR  
ISTINA.L.124599  
7023

Digitally signed by SCHROEDER CHRISTINA L 1245997023  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA,  
cn=SCHROEDER CHRISTINA L 1245997023  
Date: 2015.03.12 12:17:18 -06'00'

Todd N. Tillinger  
Montana Program Manager

Enclosures:  
Compliance Certification  
Preliminary Jurisdictional Determination for NWO-2012-00301-MTB  
NW 27 Fact Sheet with Regional Conditions

### COMPLIANCE CERTIFICATION

Corps File Number: NWO-2012-00301-MTB  
Name of Permittee: Montana Fish, Wildlife, & Parks  
County: Fergus  
Date of Issuance: March 12, 2015  
COE Project Manager: Cathy Juhas

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers  
Billings Regulatory Office  
Post Office Box 2256  
Billings, Montana 59103-2256

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

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I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### A. Report Completion Date for Preliminary Jurisdictional Determination (JD):

11-March-2015

### B. Name and Address of Person Requesting Preliminary JD:

Montana Fish, Wildlife and Parks  
PO Box 938  
Lewistown, Montana 59457

### C. District Office, File Name, and Number:

Omaha District, Billings Regulatory Office; Big Spring Creek Restoration Project;  
NWO-2012-00301-MTB

### D. PROJECT LOCATION(S), BACKGROUND INFORMATION, AND WATERS:

State: Montana  
City: Lewistown  
County: Fergus  
Name of nearest waterbody: Big Spring Creek

Identify amount of waters in the review area: See Table 1

Name of any water bodies on the site that have been identified as Section 10 waters:  
None

Table 1 - Waters of the U.S.

Site	Latitude	Longitude	Stream Flow	Cowardin Class	Estimated amount of aquatic resources in review area	Estimated amount of aquatic resource impact	Class of aquatic resource
1	47.074924	-109.433605	perennial	riverine	5000 feet	3200 feet	Non-tidal

### E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: 11-March-2015  
☐ Field Determination. Date(s):



## F. SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: [Lewistown](#)
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: GIS.
- ☐ National wetlands inventory map(s). Cite name: GIS.
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): .  
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter: .
- ☒ Other information (please specify): [Big Spring Creek flows into the Judith River which flows into the Missouri River, an interstate & navigable water of the U.S.](#)

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

JUHAS.CATHERIN  
E.D.1094427408

Digitally signed by  
JUHAS.CATHERINE.D.1094427408  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=JUHAS.CATHERINE.D.1094427408  
Date: 2015.03.11 15:30:15 -06'00'

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining the  
signature is impracticable)

## **G. EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.



# Montana Fish, Wildlife & Parks

## BIG SPRING CREEK CHANNEL RESTORATION

### Stream Protection Act (SPA 124) Permit

Date: 1/15/15

Applicant Name: Montana Fish, Wildlife and Parks (Clint Smith)

Address: PO Box 938  
Lewistown, MT 59457

Permit #: MI-01-15

Waterbody: Big Spring Creek

Project Name: Big Spring Creek Channel and Flood Plain Restoration

#### Project Description:

The proposed project is to restore a straightened section of Big Spring Creek. The project would create a new channel with connected floodplain and a natural riffle/pool meander pattern. The channel length would increase by approximately 60% to 3,200 feet from the current 2,000 feet. The section was straightened in the 1961, causing chronic erosion & stability issues on the creek which continue today. The new channel and excavated floodplain will extend approximately 350-400 feet to the north from the existing stream channel.

**Montana Fish, Wildlife & Parks has reviewed the proposed project. The project is approved provided it is carried out in accordance with the information supplied in the application, all general conditions listed on page 3 of this permit, and any special conditions listed below.**

**Expiration:** This permit is valid for 1 year(s) from the date of issuance.

**Timing Restrictions:** No ☒ Yes ☐ if yes see below.

No in-stream work between and .

**Special Conditions:**



### 318 Authorization Review

**I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Act Short-term Water Quality Standards for Turbidity 75-5-318 MCA:**

This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.

X Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.

Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in the attached letter outlining ***DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity***, as well as other conditions listed in the 310 or 124 permit, are appropriate for this project.

Issuing Biologist: Ken Frazer

Signature:



### Stream Protection Act 124 Permit General Conditions

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
  - a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
  - b. not restrict or impede fish passage in streams; and
  - c. not restrict any flow anticipated during use.

5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not permit wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
  - a. Powerwash all equipment allowed in a stream prior to entering the stream channel.
  - b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high water mark and in an area not classified as a wetland.



February 24, 2015

Clint Smith  
Montana Fish, Wildlife & Parks  
215 W. Aztec Drive  
PO Box 938  
Lewistown, MT 59457

RE: Authorization No. **MTB004518** Short-Term Water Quality Standard for Turbidity Related to Construction Activity Pursuant to 75-5-318, MCA  
VALID February 24, 2015 through February 24, 2016

Dear Mr. Smith:

The Montana Department of Environmental Quality Water Protection Bureau has completed our review of your application for activity on **Big Spring Creek (Sec 10, T15N, R18E)** in **Fergus County**. This activity herewith is qualified for a temporary surface water quality turbidity standard if it is carried out in accordance with the following conditions:

- (1) Construction activities in or near the watercourse are to be limited to the minimum area necessary, and conducted so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation,
- (2) The use of machinery in the watercourse shall be avoided unless absolutely necessary. To prevent leaks of petroleum products into waterways, no defective equipment shall be operated in the watercourse or adjacent areas capable of contributing surface flow to the watercourse,
- (3) Precautions shall be taken to prevent spillage of any petroleum products, chemicals or other deleterious material in or near the watercourse, and no equipment shall be fueled or serviced in adjacent areas capable of contributing surface flow to the watercourse,
- (4) All disturbed areas on the streambank and adjacent areas created by the construction activity shall be protected with temporary erosion control during construction activities. These areas shall be reclaimed with appropriate erosion control measures and revegetated to provide long-term erosion control,
- (5) Any excess material generated from this project must be disposed of above the ordinary high water mark, not classified as a wetland, and in a position not to cause pollution to State waters,
- (6) Clearing of vegetation will be limited to that which is absolutely necessary for

construction of the project,

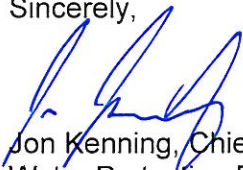
- (7) The use of asphalt or petroleum-based products as riprap is strictly prohibited. Its use as fill material is also prohibited if it is placed in a location where it is likely to cause pollution of State waters,
- (8) This authorization does not authorize a point source surface water discharge. A MPDES permit is required for said discharge, and
- (9) The applicant must conduct all activities in full and complete compliance with all terms and conditions of any permit for this activity issued pursuant to the Montana Natural Streambed and Land Preservation Act (310 permit) or the Montana Stream Protection Act (124 permit), and any valid Memorandum of Agreement and Authorization (MAA) negotiated for this activity.

This authorization is valid for the period noted. No authorization is valid for more than a one-year period of time.

Any violations of the conditions of this authorization may be subject to an enforcement action pursuant to the applicable provisions of the Montana Water Quality Act.

This authorization is granted pursuant to 75-5-318, MCA, and only applies to the activity described by your application. Any modification of the activity described in your application which may result in additional turbidity in the stream must receive prior approval from the Department. You may contact me at (406) 444-3080.

Sincerely,



Jon Kenning, Chief  
Water Protection Bureau  
Permitting & Compliance Division

CC: Fergus Conservation District





March 5, 2015

Clint Smith  
Montana Fish, Wildlife & Parks  
PO Box 938  
215 W. Aztec Drive  
Lewistown, MT 59457

**RE: Application No: NWO-2012-00301-MTB**  
**Applicant(s): Montana Fish, Wildlife & Parks**  
**Waterway: Big Spring Creek, Lewistown, MT**  
**Project Location: Section 10, T15N, 18E**

Dear Mr. Smith:

The Montana Department of Environmental Quality (DEQ) has reviewed your application for 401 Water Quality Certification. Under Administrative Rules of Montana (ARM) 17.30.105(2), DEQ finds the activity will cause minimal or no impact to the quality of state waters; or an application for a short-term narrative water quality standard under Montana Code Annotated (MCA) 75-5-318 has been approved. Therefore, DEQ waives the 401 Certification.

#### **Description of the Proposed Project:**

This project is to restore a straightened section of Big Spring Creek to return it to a naturally meandering, riffle/pool channel with connected floodplain. The project would create 3,200 feet of new channel and will match the pattern & profile of nearby reference reaches on Big Spring Creek.

#### **401 Water Quality Certification – General:**

Montana Water Quality 401 Certification derives its jurisdiction from Section 401 of the Federal Clean Water Act. It is a federal/state cooperative program that increases the role of the state in decisions regarding the protection of natural resources. It gives the state a broad authority to review proposed activities in and/or affecting state waters and, in effect to deny or place conditions on federal permits or licenses that authorize such activities if the proposed action is not consistent with all components of the state water quality standards that were adopted to protect, maintain, and improve the quality and potability of water for public water supplies, wildlife, fish and aquatic life, agriculture, industry, recreation, and other beneficial uses. The components of the standards consist of the beneficial use or uses of a waterbody, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular waterbody, and a nondegradation policy. In the event beneficial uses, such as aquatic habitat or aquatic



life are unavoidably impacted or lost, conditions of the 401 certification may require the applicant to provide compensatory mitigation for the impacts or losses.

Please contact the Water Protection Bureau at (406) 444-2734 with any questions.

Sincerely,



Jon Kenning  
Bureau Chief  
Water Protection Bureau  
Department of Environmental Quality

cc: Todd Tillinger, ACOE  
Catherine Juhas, Project Officer, ACOE

# Fergus County FLOODPLAIN DEVELOPMENT PERMIT

Permit # 03-2015-FC

**1. Issued to:**

Montana Fish, Wildlife & Parks  
(Name)  
P.O. Box 938  
(Street or P.O. Box)  
Lewistown MT 59457  
(City) (State) (Zip)

**2. Project Location:**

Name of stream / water body at location of activity: BIG SPRING CREEK

Location SW1/4 Section 10 Township 15N Range 18E

Assessor ID # or Tract # 08246710301020000

Project Address Lewistown, MT 59457

**3. The proposed development** is in the X Floodway X Floodway Fringe      Floodplain with no elevations

**4. The Base Flood Elevation** at the project site is Varies      NAVD X NGVD

**5. Source Documents** FIRM Maps # 30027C8979D & 30027C1883D

**6. For structures requiring elevation certification:**

MSL Elevation to which lowest floor is to be elevated: N/A MSL  
MSL Elevation to which structure is to be flood proofed: N/A MSL  
MSL Elevation to which compacted fill is to be elevated: N/A MSL

**7. Brief description of project:**

To restore a straightened part of Big Spring Creek, by creating a new channel with connected floodplain & natural meander pattern. Portions of the old channel will be abandoned and partially filled.

**8. Purpose of project:**

To re-meander a portion of Big Spring Creek and reestablish the stability and decrease erosion of the stream banks.

**9. Action Taken:**

- X   The proposed development is in partial conformance with the applicable Floodplain Management Standards. **A conditional approval is granted, Conditions are attached.**
- The plan and materials submitted in support of the proposed development are in compliance with applicable Floodplain Management Standards. **Permit is approved.**
- The proposed development is not in conformance with the applicable Floodplain Management Standards the application is **Denied** see attached letter of explanation.

## Findings:

There will be minimal impact to stream flow or water quality. There has been a determination that there will be impacts & changes to the floodplain upstream and downstream. All changes to the stream bed must be in compliance with all approved permits & FEMA CLOMR. (FC FP Regs- Sec.1.4, FEMA)

The permit is approved on the basis that all removal of existing vegetation is kept to a minimum and disturbed vegetation be filled in and reseeded as shown in the project plans and FEMA CLOMR. (FC FP Regs- Sec. 1.5, FEMA)

Alteration of the Regulated Flood Hazard Area must comply with Section 4.3 of the Fergus County Flood Hazard Management Regulations. (FC FP Regs- Sec. 4.3, DNRC, FEMA)

Any rip-rap or stabilization material must be installed to withstand the 100 year flood and must be placed in accordance with the project plans & FEMA CLOMR. (FC FP Regs- Sec. 1.5(4), FEMA)

The permit is approved with the condition that no storage of equipment or excavated material is allowed in the creek or designated floodplain. (FC FP Regs- Sec. 3.01 B-5)

The applicant shall allow the Floodplain Administrator to perform on-site inspections throughout the course of the project. (FC FP Regs- Sec.8.5(5))

The time period for construction per this permit is valid for 2 years from the date of approval. If the project isn't completed during the time limit, an extension must be requested in writing 30 days prior to the permit expiration. The Floodplain Administrator will then grant an extension or decide if a new floodplain permit will have to be issued before construction or work of any kind is allowed in the designated floodplain. (FC FP Regs- Sec. 8.5(1))

Per the conditions in the FEMA issued CLOMR, a finalized FEMA LOMR must be submitted to the Fergus County Planning Office upon completion of the project. (FP Regs, FEMA)

Any changes in proposed construction or plans must be approved by the Fergus County Floodplain Administrator. Also the Floodplain Administrator must be notified in writing within 30 days of completion of the project, to verify that all construction has complied with Fergus County Floodplain Hazard Regulations. (FC FP Regs- Sec. 8.5(7))

UNDERSTOOD AND ACCEPTED THIS 31 DAY OF AUGUST, 2015.  
[Signature] [Signature]  
(Applicant) (Fergus County Floodplain Administrator)

*In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, an elevation certificate will be provided once project is completed, and agrees to allow on-site inspections, as needed during or after construction, to determine compliance with this permit.*

(Name)  
P.O. Box 938  
(Street or P.O. Box)  
Lewistown MT 59457  
(City) (State) (Zip)

2. Project Location:

Name of stream / water body at location of activity: BIG SPRING CREEK

Location SW1/4 Section 10 Township 16N Range 16E

Assessor ID # or Tract # 08246710301020000

Project Address Lewistown, MT 59457

3. The proposed development is in the X Floodway X Floodway Fringe      Floodplain with no elevations

4. The Base Flood Elevation at the project site is Varies      NAVD X NGVD

5. Source Documents FIRM Maps # 30027C8979D & 30027C1883D

6. For structures requiring elevation certification:

MSL Elevation to which lowest floor is to be elevated: N/A MSL  
MSL Elevation to which structure is to be flood proofed: N/A MSL  
MSL Elevation to which compacted fill is to be elevated: N/A MSL

7. Brief description of project:

To restore a straightened part of Big Spring Creek, by creating a new channel with connected floodplain & natural meander pattern. Portions of the old channel will be abandoned and partially filled.

8. Purpose of project:

To re-meander a portion of Big Spring Creek and reestablish the stability and decrease erosion of the stream banks.

# City of Lewistown

## FLOODPLAIN DEVELOPMENT PERMIT

Permit # 15-03

### 1. Issued to:

Montana Fish, Wildlife & Parks

(Name)

P.O. Box 938

(Street or P.O. Box)

Lewistown

MT

59457

(City)

(State)

(Zip)

### 2. Project Location:

Name of stream / water body at location of activity: BIG SPRING CREEK

Location SW1/4 Section 10 Township 15N Range 18E

Assessor ID # or Tract # 08246710301020000

Project Address Lewistown, MT 59457

3. The proposed development is in the X Floodway X Floodway Fringe      Floodplain with no elevations

4. The Base Flood Elevation at the project site is Varies      NAVD X NGVD

5. Source Documents FIRM Maps # 30027C8979D & 30027C1883D

### 6. For structures requiring elevation certification:

MSL Elevation to which lowest floor is to be elevated: N/A MSL

MSL Elevation to which structure is to be flood proofed: N/A MSL

MSL Elevation to which compacted fill is to be elevated: N/A MSL

### 7. Brief description of project:

To restore a straightened part of Big Spring Creek, by creating a new channel with connected floodplain & natural meander pattern. Portions of the old channel will be abandoned and partially filled.

### 8. Purpose of project:

To re-meander a portion of Big Spring Creek and reestablish the stability and decrease erosion of the stream banks.

### 9. Action Taken:



- X   The proposed development is in partial conformance with the applicable Floodplain Management Standards. **A conditional approval is granted, Conditions are attached.**
- The plan and materials submitted in support of the proposed development are in compliance with applicable Floodplain Management Standards. **Permit is approved.**
- The proposed development is not in conformance with the applicable Floodplain Management Standards the application is **Denied** see attached letter of explanation.

### **Findings:**

**There will be minimal impact to stream flow or water quality. There has been a determination that there will be impacts & changes to the floodplain upstream and downstream. All changes to the stream bed must be in compliance with all approved permits & FEMA CLOMR.**

**The permit is approved on the basis that all removal of existing vegetation is kept to a minimum and disturbed vegetation be filled in and reseeded as shown in the project plans and FEMA CLOMR.**

**Any rip-rap or stabilization material must be installed to withstand the 100 year flood and must be placed in accordance with the project plans & FEMA CLOMR.**

**The permit is approved with the condition that no storage of equipment or excavated material is allowed in the creek or designated floodplain.**

**The applicant shall allow the Floodplain Administrator to perform on-site inspections throughout the course of the project.**

**The time period for construction per this permit is valid for 2 years from the date of approval. If the project isn't completed during the time limit, an extension must be requested in writing 30 days prior to the permit expiration. The Floodplain Administrator will then grant an extension or decide if a new floodplain permit will have to be issued before construction or work of any kind is allowed in the designated floodplain.**

**Per the conditions in the FEMA issued CLOMR, a finalized FEMA LOMR must be submitted to the Fergus County Planning Office upon completion of the project.**

**Any changes in proposed construction or plans must be approved by the Floodplain Administrator. Also the Floodplain Administrator must be notified in writing within 30 days of completion of the project, to verify that all construction has complied Chapter 12 of the Lewistown, Montana City Code.**

UNDERSTOOD AND ACCEPTED THIS 31 DAY OF AUGUST, 2015.

[Signature]  
(Applicant)

Diane Ferdman  
(City of Lewistown Floodplain Administrator)

*In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, an elevation certificate will be provided once project is completed, and agrees to allow on-site inspections, as needed during or after construction, to determine compliance with this permit.*

Monica Fish, Wildlife & Parks

(Name)

P.O. Box 938

(Street or P.O. Box)

Lewistown

MT

59457

(City)

(State)

(Zip)

2. Project Location:

Name of stream / water body at location of activity: BIG SPRING CREEK

Location SW1/4 Section 10 Township 19N Range 18E

Assessor ID # or Tract # 08248710301020000

Project Address Lewistown, MT 59457

3. The proposed development is in the X Floodway X Floodway Fringe      Floodplain with no elevations

4. The Base Flood Elevation at the project site is Varies      NAVD X NGVD

5. Source Documents FIRM Maps # 30027C8979D & 30027C1883D

6. For structures requiring elevation certification:

MSL Elevation to which lowest floor is to be elevated: N/A MSL

MSL Elevation to which structure is to be flood proofed: N/A MSL

MSL Elevation to which compacted fill is to be elevated: N/A MSL

7. Brief description of project:

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**\*\*\*XML data files  
Existing Surface and  
New Surface files are  
required\*\*\***

**To request XML files, go to  
'XML data files' button  
located on website main page.**